

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
AS PASSED BY THE
Ninety-second and Ninety-third
Legislatures
OF THE
STATE OF MAINE

From April 22, 1945 to May 14, 1947
AND MISCELLANEOUS STATE PAPERS
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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Ninety-third Legislature

1947

Chapter 85

AN ACT to Establish the Town of Lincoln Municipal Court.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. Name; location; judge and recorder. A municipal court is hereby established at Lincoln, in the county of Penobscot, which shall be called the Town of Lincoln Municipal Court. It shall be a court of record and have a seal. It shall consist of 1 judge and a recorder.

The judge shall be a member of the bar and shall reside at Lincoln. He shall be appointed and shall give bond in accordance with the constitution and the laws of this state. His salary shall be \$1,000 a year, to be paid monthly from the treasury of the county of Penobscot.

The recorder shall be appointed by the governor, with the advice and consent of the council, for a term of 4 years. He shall reside at Lincoln. His salary shall be \$300 a year to be paid monthly from the treasury of the county of Penobscot. His duties shall include such duties as are performed by clerks of the superior court, so far as applicable. He shall record the doings of the court in civil and criminal dockets, and he shall keep a separate docket of juvenile delinquency cases. He shall be the custodian of all money paid into court which shall be accounted for and paid over as required by law, and shall give bond to the county of Penobscot for the faithful performance of his duties in such sum and with such sureties as the county commissioners shall approve.

The recorder and the judge shall have equal authority in criminal cases to hear and draft complaints, administer oaths, take bail and sign all processes of commitment. All processes issued by the recorder in criminal matters shall bear the seal of the court and be signed by him, and they shall have the same effect as though signed by the judge.

When the judge is absent from the court room, or is interested, or if the office of the judge is vacant, it shall be the duty of the recorder and he shall have authority to exercise all the powers of the judge. In case of the recorder's absence or of a vacancy in the office of recorder the judge may appoint a recorder who shall be sworn by the judge and act during such absence or until the vacancy is filled. If the judge and the recorder are both necessarily absent, either may designate some other municipal court judge or justice of the peace in said county to perform the functions of the court for the time being.

Sec. 2. Jurisdiction of court. This court shall have exclusive jurisdiction over all offenses committed against the ordinances of the town of Lincoln and jurisdiction over all other matters, civil and criminal, in the

county of Penobscot in accordance with the provisions of law which govern municipal courts in this state.

The court may administer all necessary oaths, render judgment and issue execution, punish for contempt and compel attendance as is done in the superior court. All writs and processes shall be in the name of the state and bear the teste of the judge or of the recorder acting as judge, under the seal of the court. The rules of the superior court as amended from time to time that relate to actions at law, and are not limited by the public laws regulating municipal courts or by the provisions of this act shall be the rules of the Town of Lincoln Municipal Court.

Sec. 3. Terms. A civil term of this court shall be held on the 1st Monday of each month at 10 o'clock in the forenoon, and shall not be adjourned thereafter until at least 3 days have elapsed; provided, however, that a term shall be held every Monday at 10 o'clock in the forenoon for the entry and trial of actions of forcible entry and detainer, which shall be in order for trial at the return day. Writs shall be filed in court on or before noon of the 1st day of each term; and no civil action shall be entered thereafter, unless by consent of the adverse party and by leave of court, or unless the court shall allow the same upon proof that the entry was prevented by inevitable accident or for other sufficient cause. The court shall be in constant session for cognizance of criminal offenses. All pleadings shall be the same as in the superior court.

Sec. 4. Removal of actions to superior court. In any civil action in which the debt or damage demanded exceeds \$20 the defendant or his attorney may, on or before the 1st day of the 2nd term of said action, file in court a motion for the removal of said action to the superior court, and deposit with the recorder \$2, whereupon the recorder shall cause certified copies of the writ, the officer's return and the defendant's motion and all other papers in the case to be filed immediately in the superior court, and shall pay the entry fee thereof. Such actions shall then be entered on the docket of the term next following such filing, unless the superior court is then in session, in which case the action shall be entered forthwith.

If no motion for removal is filed, the municipal court shall proceed to determine said action, subject to right of appeal in either party as provided by law.

Sec. 5. County to provide court room, etc. The county commissioners shall provide a suitable place in Lincoln for the holding of the court, and all expenses thereof shall be paid from the treasury of the county of Penobscot.